

REMARKS

Claims 1-27 and 37 are pending in the application; claims 28-36 are canceled. Claims 1-27 are provisionally rejected by obviousness type double patenting. Claims 16-27 and 37 are presently rejected as being directed to non-statutory subject matter. The applicant respectfully traverses the rejections.

I. Obviousness Type Double Patenting Provisional Rejections of Claims 1-27

It is alleged in the final Office action that claims 1-27 of the present application are an obvious variation of the claims pending in U.S. Patent Application No. 09/455,877 and claims 1-27 are provisionally rejected. Because the claims 1-27 are provisionally rejected, the applicants choose not to respond to these rejections until the claims of the 09/455,877 application actually issue or become allowed.

II. Rejection of claims 16-27 and 37 under 35 U.S.C. § 101

It is alleged in the final Office action at pages 4 and 5 that claims 16-27 and 37 are directed to an abstract idea rather than a practical application of the idea, as the recited “determining step is not claimed as applied in a practical application, which provides a tangible, i.e., real world result.” Amended claims 16, 23, and 37 now recite that the relationship routine or step provides the tangible result of determining the relationship connections or pathways to facilitate future communications between the starting person and the target person. The amended claims recite a real world result because the determined relationship pathways reveal indirect or intermediate connections (i.e., the individuals on the determined list as recited in claim 16, or the user-contact pairs as recited in claims 23 and 37) that an individual desiring to contact another individual may use for future communications with that other individual. Therefore, amended claims 16, 23, and 37 are directed to a practical application of an idea and produce a tangible, i.e., real world result and the 35 U.S.C. § 101 rejections should be withdrawn. In light of these remarks, claims 16, 23, and 37, and all claims dependent therefrom, are allowable.

III. Conclusion

The applicant submits that the application as a whole is in a condition for allowance, and such action is requested at the examiner's earliest opportunity. The examiner is encouraged to contact the applicant's undersigned attorney with any questions regarding this response or the application as a whole at the telephone number indicated below. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855.

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Respectfully submitted,

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